

CO Water Rights Terminology

<http://www.water.state.co.us/wateradmin/terms.asp>

Absolute water right: A water right that has been placed to a beneficial use. See definition for conditional water right.

Augmentation plan: A way for junior appropriators to obtain water supplies through terms and conditions approved by a water court that protect senior water rights from the depletions caused by the new diversions. Typically this will involve storing junior water when in priority and releasing that water when a call comes on; purchasing stored waters from federal entities or others to release when a river call comes on; or purchasing senior irrigation water rights and changing the use of those rights to off-set the new users injury to the stream. These plans can be very complex and it is suggested that an engineering consultant be hired to allow for proper consideration of all hydrologic and water right factors.

Beneficial use: Water in Colorado must be diverted for a purpose and used beneficially to get a water right. Beneficial use is the use of a reasonable amount of water necessary to accomplish the purpose of the appropriation, without waste. Some common types of beneficial use are: irrigation, municipal, wildlife, recreation, mining, household use.

Change of water right: Any change in the way a water right is used. Can be change in type, place or time of use, change in point of diversion, adding points of diversion, etc. It is not a change in use if a farmer changes the type of crop grown. Changes of water rights must be approved by the water court to assure that no injury occurs to other water rights.

Conditional water right: A right obtained through the water court which fixes the priority of the water right with a certain date, even though the appropriation has yet to be completed. It gives the holder of that right time to complete the appropriation as long as they diligently pursue completion of the project. Every six years the court reviews what progress has been made toward completion of the project (called "diligence"). Once the right has been perfected by use, the holder of the conditional right must then ask the court to make it an absolute water right (See definition for absolute water right.)

Exempt well: Small residential and livestock wells are considered to be exempt from administration. To obtain this type of exemption, strict criteria must be met as set forth by the legislature and administered by the State Engineer. For further information see Colorado Revised Statutes section 37-92-602.

River call: Usually a written document filed with the Division Engineer stating that as of a certain date and time, a water right holder is not receiving all of the water they are entitled to by decree and requesting that the Division Engineer shut down (curtail) all upstream water rights junior to them until their senior right

is satisfied.

Subdivision: or subdivided land, means any parcel of land in the State which is to be used for condominiums, apartment, or any other multiple-dwelling units, or which is divided into two or more parcels, separate interests, or in common, unless exempted.

Water court: A District Court that hears matters related to water. To obtain a judicially recognized water right, change a water right or file an Augmentation Plan, persons or entities file applications requesting with one of these courts, and the court will issue a decree or order. There are seven water courts in the State located in each major drainage basin.

*Note: The definitions above are offered in simplified language to the best of the author's ability and are by no means to be relied upon as a legal definition of such term. These definitions are merely offered as a public service to assist you in understanding some of Colorado's most often used water terms. If you desire a legal definition, please contact a water attorney.